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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,	)	CR 16-00203 JSW
14 Plaintiff,	)	<del>PROPOSED</del> ORDER OF DETENTION
15 v.	)	
16 ALVIN WILLFORM,	)	
17 Defendant.	)	

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19 The defendant, Alvin Willform, is charged in this case with a violation of 18 U.S.C. § 922(g)(1)  
20 for being a felon in possession of a firearm and ammunition. On May 17, 2016, at the Initial  
21 Appearance in the above-referenced matter, the government moved for the pretrial detention of the  
22 defendant, pursuant to 18 U.S.C. § 3142, and requested a hearing. On May 20, 2016, the Court held a  
23 detention hearing. The Court has carefully considered the proffers of the government and the  
24 defendant's counsel, the factors set forth in 18 U.S.C. § 3142(g), and the information contained in the  
25 bail study prepared by the U.S. Pretrial Services Agency, which recommends that the defendant be  
26 detained pending trial. The Court finds by clear and convincing evidence that releasing the defendant  
27 prior to trial in this matter would not reasonably assure the safety of the community, and therefore the  
28 defendant is a danger to the community. For the reasons set forth below, as well as those stated on the

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1 record on May 20, 2016, the Court concludes that no conditions or combination of conditions could be  
2 fashioned in order to properly protect the community if he is released. Therefore, the Court orders that  
3 the defendant be detained.

#### 4 I. LEGAL STANDARD

5 Under the Bail Reform Act, an authorized judicial officer may order the detention or release of a  
6 defendant pending trial. The judicial officer may detain a defendant where the government shows by  
7 clear and convincing evidence that no release condition will reasonably assure the safety of the  
8 community. Specifically, detention may be ordered where the court finds no condition or combination  
9 of conditions could prevent the defendant's continued or future criminal activity. *United States v.*  
10 *Salerno*, 481 U.S. 739 (1987). Additionally, the judicial officer may detain a defendant if the  
11 government proves by a preponderance of the evidence that the defendant poses a risk of flight. *United*  
12 *States v. Motamedi*, 767 F.2d 1403, 1407 (9th Cir. 1985); *United States v. Gebro*, 948 F.2d 1118, 1121  
13 (9th Cir. 1991).

#### 14 II. ANALYSIS

15 For the reasons stated on the record on May 20, 2016, the Court finds that the government has  
16 met its burden to establish that the defendant is a danger to the community. The defendant has a number  
17 of prior convictions, including convictions for threatening a crime with the intent to terrorize, attempted  
18 burglary, and possession of crack cocaine for sale. The defendant has also previously violated the  
19 conditions of his parole and/or probation. The government also offered evidence that, since his arrest on  
20 December 21, 2015, the defendant has again been in possession of a firearm and used marijuana while  
21 released on bail in California Superior Court, where he faces similar charges for the conduct alleged in  
22 this case. The defendant also did not present at the detention hearing adequate sureties or a suitable  
23 place for him to reside if he were to be released. While the defense suggested that the defendant could  
24 reside in a halfway house pending trial in this case, based on his multiple failures to comply with  
25 conditions set by other courts, as well as his prior convictions and apparent post-arrest conduct in this  
26 case involving videos of the defendant with firearms and marijuana, the Court is concerned that the  
27 defendant will not follow the Court's instructions and that his release would present a danger to the  
28 community.

1       **III.       CONCLUSION**

2       Having considered all of the relevant factors set forth in 18 U.S.C. § 3142(g), and for the reasons  
3 set forth herein, as well as those stated on the record on May 20, 2016, the Court hereby finds by clear  
4 and convincing evidence that no condition or combination of conditions will reasonably assure the  
5 safety of the community or others if the defendant is released. *See* 18 U.S.C. § 3142(f).

6       Therefore, the Court ORDERS that the defendant be detained.

7       THEREFORE, IT IS HEREBY ORDERED THAT, accordingly, pursuant to Title 18, United States  
8 Code, Section 3142:


9       (1) the defendant is committed to the custody of the Attorney General for confinement in a corrections  
10 facility;

11       (2) the defendant be afforded reasonable opportunity for private consultation with his counsel;

12       (3) on Order of a court of the United States or on request of any attorney for the government, the person in  
13 charge of the corrections facility in which the defendant is confined shall deliver the defendant to an  
14 authorized Deputy United States Marshal for the purpose of any appearance in connection with a court  
proceeding.

15       IT IS SO ORDERED.

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17 DATED: May 23, 2016

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HONORABLE KANDIS A. WESTMORE  
United States Magistrate Judge